



Docket No.: MASIMO.103C2

Customer No.: 20,995

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Al-Ali, et al.
App. No. : 10/668,487
Filed : September 22, 2003
For : STEREO PULSE
OXIMETER
Examiner : Eric F. Winakur
Art Unit : 3736

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 25, 2005

(Date)

John M. Grover, Reg. No. 42,610

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Letter Regarding Examiner's Statement for Reasons for Allowance in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

John M. Grover
Registration No. 42,610
Attorney of Record
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(949) 760-0404



MO.108C2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**LETTER REGARDING EXAMINER'S
STATEMENT FOR REASONS FOR ALLOWANCE**

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Notice of Allowability mailed December 13, 2004, the Examiner provided a Statement of Reasons for Allowance. The Applicants respectfully disagree with the Examiner's Statement of Reasons for Allowance to the extent that not all the claims include each of the structures or method steps recited in the Examiner's Statement. Also, to the extent that there is any implication that the patentability of any claim rests on the recitation of a single feature, the Applicants respectfully disagree with the Examiner's Statement because it is the combination of features recited in each claim that makes that claim patentable.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan 25, 2005By: John M. Grover

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